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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,900	01/18/2002	Jonathan Edwards	GLOB001US0	9126
58293 7590 10/09/2009 FORTKORT & HOUSTON P.C. 9442 N. CAPITAL OF TEXAS HIGHWAY ARBORETUM PLAZA ONE, SUITE 500 AUSTIN, TX 78759				
EXAMINER				
POND, ROBERT M				
ART UNIT		PAPER NUMBER		
3625				
MAIL DATE		DELIVERY MODE		
10/09/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/052,900

**Applicant(s)**

EDWARDS, JONATHAN

**Examiner**

Robert M. Pond

**Art Unit**

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Response to Amendment***

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. Hare is withdrawn as ineligible prior art due to a previously filed and approved declaration by a previous examiner. All pending claims 1-11 were examined in this non-final office action necessitated by new grounds of rejection.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**Claims 1-11 are rejected under 35 USC 103(a) as being unpatentable over Barnes (Paper #20081016, US 5,970,475) in view of Stroh (US 7,155,409).**

Barnes teaches a system and methods that enable corporate purchasers to purchase products and service online from suppliers based on approved supplier catalogs consistent with agreement/contracts between partners. Barnes further teaches:

- Regarding claim 1. accessing a database containing variable elements of an on-line catalog, the elements including items suppliable by a vendor;

supplier catalog server uses Active Server Pages to dynamically create HTML catalog pages using data from its resident SQL Server database. (note: catalogs contain product price, descriptions); Barnes: see at least Fig. 3; Fig. 5 (12); col. 19, lines 52-58.

- Regarding claim 1. Barnes teaches all the above as noted under the 103(a) rejection and teaches i) constructing an electronic catalog having one or more pages by selecting elements to be included in the pages, and intrinsic terms (e.g. pricing), supplier catalog server uses Active Server Pages to dynamically create HTML catalog pages using data from its resident SQL Server database. By evaluating the buyer's profile, the Supplier Catalog Server displays catalog information and pricing specific to the buyer's organization using a template (see at least col. 19, lines 52-58) and ii) specifying a level of authorization for approval of acquisitions of goods/services from a catalog based on a user's profile, the catalog containing information regarding supplier's goods/services (e.g. pricing) based on the organization's profile submitted to the supplier and negotiated agreement between the partners (see at least col. 4, lines 5-26). Although Barnes does not mention and providing commercial terms applicable to the included elements, where the selecting and providing steps are performed consistent with contract terms between the purchasing entity and the vendor, wherein said commercial terms include both intrinsic terms and extrinsic terms, Stroh on the other hand teaches a

system and methods used by trading partners (e.g. importer/buyer and exporter/seller) to trade goods based on national and international trade practices. Stroh teaches for an importer using products coming from a catalog with specific descriptions, parts numbers and per piece prices (note: price is an intrinsic term) quoted in advance, a purchase order is in the control of the importer, and can accurately be constructed to reflect the terms and conditions under which the importer wishes to buy goods (see at least col. 12, lines 20-30. Stroh further teaches combining intrinsic terms and extrinsic terms:

- i. constructing a purchase order to reflect the terms and conditions under which the buyer wishes to buy goods (note interpretation: commercial terms of the buyer) (see at least col. 12, lines 20-30);
- ii. incorporating particulars and agreements into a purchase order furnished by the buyer (see at least col. 13, lines 51-57; col. 15, lines 15-34).
- iii. embodying sales agreement or purchase agreement documents with a purchase order; such sales agreements including for example: law clauses specifying laws applicable to the offer and acceptance cycles, laws of the state of a national or supernational territory (e.g. USA), international

treaty for trade transactions (see at least col. 22, lines 28-59)

(note: all are extrinsic terms); and

- iv. computer implemented purchase orders with relevant sales agreement terms (see at least col. 39, lines 42-47).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system and methods of Barnes to incorporate intrinsic and extrinsic terms into a purchase order as taught by Stroh in order to implement national and international trade practices when importing/exporting goods.

Barnes and Stroh further teach and suggest:

- Regarding claim 1. providing electronic access to the catalog to users authorized by the purchasing entity; procurement system serves to authorized users to display the catalog. Barnes: see at least col. 8, lines 36-38.
- Regarding claim 1. providing an interface to one or more documents that an authorized user can access, which one or more documents include the commercial terms applicable to a set of elements the user may wish to select; Rejection based on the teachings and rationale of obviousness as noted above for claim 1. Barnes constructs the catalog based on buyer-seller agreements and Stroh teaches how to incorporate intrinsic and extrinsic terms. Stroh: see at least Fig. 11c; col. 28, lines 23-col. 29, line 6; Tables 1-11.

- Regarding claim 1. providing a selected page of the catalog to the user in response to user input; uses web browser to search and make selections; templates used to determine which pages are presented. Barnes: see at least col. 7, lines 25-43; col. 8, lines 36-39; col. 18, line 42-45.
- Regarding claim 1. forwarding an order to a vendor for fulfillment, wherein the order includes the intrinsic and extrinsic terms required to satisfy the order. Rejection is based on the teachings and rationale as already noted above.
- Regarding claims 2-11. Rejections are based on teachings and rationale noted above and additional teachings by Barnes and Barnes in combination with Stroh. Specific to reporting and tracking: Barnes. Specific to fees: ACH charges buyers transaction fees based on purchase orders. Barnes: see at least col. 9, lines 60-65.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeff Smith can be reached on 571-272-6763. The fax

phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert M. Pond/  
Primary Examiner, Art Unit 3625  
October 8, 2009